

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PEGASUS DEVELOPMENT)	
CORPORATION and PERSONALIZED)	
MEDIA COMMUNICATIONS, L.L.C.)	
)	
Plaintiffs,)	
)	
v.)	
)	
DIRECTV, INC., HUGHES)	C.A. No. 00-1020-GMS
ELECTRONICS CORPORATION,)	
THOMSON CONSUMER)	
ELECTRONICS, INC., and PHILIPS)	
ELECTRONIS NORTH AMERICA)	
CORPORATION,)	
)	
Defendants.)	
)	

**DECLARATION OF R. ERIC HUTZ IN SUPPORT OF PLAINTIFFS'
MOTION TO LIFT THE STAY AND FOR A SCHEDULING CONFERENCE**

I, R. Eric Hutz, declare, under penalty of perjury, as follows:

1. I am an attorney with Connolly Bove Lodge and Hutz LLP, and submit this Declaration to the Court in support of Plaintiffs' Motion to Lift the Stay and for a Scheduling Conference.
2. Exhibit A is a true and correct copy of (1) a Letter from Thomas J. Scott, outside counsel for Personalized Media Communications, L.L.C. ("PMC") to John C. McNett, outside counsel for Thomson Consumer Electronics, Inc., dated October 31, 1995 and (2) a Letter from Thomas J. Scott, outside counsel for PMC to Wanda Denson-Lowe, Vice-President and Assistant General Counsel for Hughes Electronics Corp., dated September 15, 1995.

3. Exhibit B is a listing of the requested reexaminations of the seven patents-in-suit and the status of each as of July 26, 2011.

4. Exhibit C is listing of this Court's active cases, as of July 19, 2011, obtained from LEXIS.

5. Exhibit D is a true and correct copy of the Reexamination Certificate for U.S. Patent No. 4,965,825 ("825 patent") issued by the United States Patent and Trademark Office ("USPTO") on November 10, 2009.

6. Exhibit E is a true and correct copy of the Request for *Ex Parte* Reexamination of the '825 patent, filed October 5, 2009.

7. Exhibit F is a true and correct copy of the Request for *Ex Parte* Reexamination of the '825 patent, filed October 8, 2010.

8. Exhibit G is a true and correct copy of the Reexamination Certificate for U.S. Patent No. 5,109,414 ("414 patent") issued by the USPTO on August 4, 2009.

9. Exhibit H is a true and correct copy of the Request for *Ex Parte* Reexamination of the '414 patent, filed May 28, 2010.

10. Exhibit I is a true and correct copy of the Request for *Ex Parte* Reexamination of the '414 patent, filed June 15, 2011.

11. Exhibit J is a true and correct copy of the Reexamination Certificate for the '825 patent issued by the USPTO on October 26, 2010.

12. Exhibit K is a true and correct copy of the Reexamination Certificate for the '414 patent issued by the USPTO on June 7, 2011.

13. Exhibit L is a true and correct copy of the USPTO Order Denying Request for *Ex Parte* Reexamination of U.S. Patent No. 5,887,243 (“243 patent”), dated April 13, 2007.

14. Exhibit M is a true and correct copy of the Reexamination Certificate for U.S. Patent No. 5,233,654 (“654 patent”) issued by the USPTO on February 17, 2009.

15. Exhibit N is a true and correct copy of the Board of Patent Appeals and Interferences’ Decision on Request for Rehearing dated September 27, 2010.

16. Exhibit O is a true and correct copy of the USPTO’s Decision *Sua Sponte* Merging Reexamination Proceedings for U.S. Patent No. 5,335,277, dated December 3, 2004.

I declare under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

DATED: July 28, 2011

Respectfully Submitted,

By: /s/ R. Eric Hutz

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 28, 2011, a true and correct copy of the foregoing **DECLARATION OF R. ERIC HUTZ IN SUPPORT OF PLAINTIFFS' MOTION TO LIFT THE STAY AND FOR A SCHEDULING CONFERENCE** was caused to be served on counsel for defendants in the manner indicated:

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